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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No.: 3:24-cv-1906

Plaintiff,

v.

IN ADMIRALTY

F/V MISS PACIFIC, Coast Guard
documentation number 621170, its boilers,
engines, machinery, masts, spares, bunkers,
boats, anchors, cables, chains, tackle, tools,
pumps and pumping equipment, apparel,
furniture, fittings and equipment, spare parts,
and all other appurtenances, *etc., in rem*;
MISS PACIFIC, LLC, *in personam*; PACIFIC
SEAFOOD GROUP, *in personam*; and
PACIFIC FISHING LLC, *in personam*,

DECLARATION OF SUSAN F. SHAPIRO
IN SUPPORT OF APPLICATION FOR
ORDER FOR ISSUANCE OF WARRANT
OF MARITIME ARREST OF THE F/V MISS
PACIFIC PURSUANT TO SUPPLEMENTAL
ADMIRALTY RULE C(3)(a)(i) OF THE
FED.R.CIV.P.

Defendants.

DECLARATION OF
SUSAN F. SHAPIRO IN SUPPORT
OF APPLICATION FOR ARREST
OF THE F/V MISS PACIFIC

I, Susan F. Shapiro, hereby declare as follows:

1. I am a Trial Attorney with the Department of Justice, Torts Branch, Civil Division, Space, Aviation and Admiralty, West Coast Filed Office, and one of the attorneys for the United States in this matter. I make this Declaration based upon personal knowledge or upon information officially furnished to me.

2. As stated more fully in the United States' Verified Complaint filed herewith, at all times material herein the United States of America, by and through the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) was and is the owner of NOAA data buoy 3DV40 (hereinafter "Buoy 3DV40"), said buoy at all relevant times having been located on navigable waters of the United States.

3. On May 13, 2020, NOAA deployed Buoy 3DV40 at station 46015, approximately 15 nautical miles west of Port Orford, Oregon. At the time Buoy 3DV40 was deployed it was fully operable and was transmitting data to NOAA as designed. The buoy was also equipped with a light beacon.

4. On November 28, 2022, at approximately 12:40 a.m. PST, Buoy 3DV40 stopped transmitting data. Specifically, the barometer data from the Extended Met Payload failed, and wind direction and compass readings from the All-in-One Met and Extended Met Payloads began to separate from one another, indicating a complete failure of the sensor and/or its associated cables. Additionally, the nighttime buoy camera imagery indicated a collision had occurred to the camera itself and/or its structural mount.

5. After retrieving the damaged buoy, NOAA undertook an investigation to determine if any vessels had transited the waters near Buoy 3DV40 at the time the buoy ceased transmitting data. Using AIS (an electronic tracking system that tracks and monitors vessel movement worldwide), NOAA was able to determine that the F/V MISS PACIFIC was in the immediate vicinity of Buoy 3DV40 at the time it went offline.

DECLARATION OF
SUSAN F. SHAPIRO IN SUPPORT
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6. With the information obtained by NOAA through AIS regarding the movements of the F/V MISS PACIFIC on November 28, 2022, NOAA assigned one of its Law Enforcement Officers to investigate the possibility that the MISS PACIFIC was the vessel that damaged Buoy 3DV40. In the following months, NOAA agents made several attempts to contact Defendants and the captain of the Vessel. On August 23, 2023, NOAA agents interviewed Jason Lile, deckhand and former Captain of the Vessel. Mr. Lile confirmed that he witnessed the Vessel strike Buoy 3DV40 and that no one was in the bridge at the time. Mr. Lile provided a written statement to this effect. On September 20, 2023, NOAA agents received a written statement from Randy Wenbourne, who was Captain of the Vessel at the time of the incident, confirming that the Vessel struck Buoy 3DV40, and that he was not in the bridge at the time despite his knowledge that the buoy was nearby. On September 20, 2023, NOAA agents received a written statement from Randy Wenbourne, who was Captain of the Vessel at the time of the incident, confirming that the Vessel struck Buoy 3DV40, and that he was not in the bridge at the time despite his knowledge that the buoy was nearby.

7. Negligence of a vessel creates a maritime lien against the vessel *in rem*, and permits the lienor to enforce its lien through arrest of the vessel pursuant to Rule C(3) of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure.

8. Since the date of the incident, the United States has sustained damages of approximately \$25,270.00.

9. As a result of the foregoing, the United States is entitled to issuance of a warrant of arrest for the defendant vessel the F/V MISS PACIFIC pursuant to Supplemental Admiralty Rule C(3) of the Federal Rules of Civil Procedure.

I verify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

DATED this 14th day of November, 2024

s/ Susan F. Shapiro
SUSAN F. SHAPIRO

DECLARATION OF
SUSAN F. SHAPIRO IN SUPPORT
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